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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/620,484	07/20/2000	Robert Carlquist Smith	99-317	3095

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EXAMINER

RYMAN, DANIEL J

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 01/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/620,484

Applicant(s)

SMITH, ROBERT CARLQUIST

Examiner

Daniel J. Ryman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: on page 8, lines 16-19 the return character should be deleted so that the lines are contiguous in the paragraph.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4, 5, 7, 8, 10, 11, 13, 25, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Dekelbaum et al (USPN 5,838,682).
4. Regarding claims 1, 7, 13, and 25, Dekelbaum discloses a method of and system for making a telephone call using an electronic document, comprising the steps of and means for: receiving an electronic document that includes data representing at least one telephone number (Fig. 6 and col. 12, lines 1-22); receiving input via an input device of a computer selecting a telephone number from the electronic document (col. 2, lines 25-59; col. 5, line 47-col. 7, line 52; and col. 12, line 1-col. 13, line 24); and signaling, via a packet-switched network connected to the computer, a telecommunication system to connect a call between the telephone number and a calling party telephone number in response to the selection of the telephone number (col. 2, lines 25-59; col. 5, line 47-col. 7, line 52; col. 12, line 1-col. 13, line 24; and col. 13, line 51-col. 14, line 11).

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5. Regarding claims 2 and 8, referring to claims 1 and 7, Dekelbaum discloses that the call is connected across a circuit-switched network (col. 2, lines 25-59; col. 5, line 47-col. 7, line 52; and col. 12, line 1-col. 13, line 24).

6. Regarding claims 4 and 10, referring to claims 1 and 7, Dekelbaum discloses that the selecting includes: selecting the telephone number from the electronic document via a mouse (col. 2, lines 25-59; col. 5, line 47-col. 7, line 52; and col. 12, line 1-col. 13, line 24).

7. Regarding claims 5 and 11, referring to claims 1 and 7, Dekelbaum discloses that the electronic document comprises at least one of an e-mail, a word processing file and a web page (col. 2, lines 25-59; col. 5, line 47-col. 7, line 52; and col. 12, line 1-col. 13, line 24).

8. Regarding claim 27, Dekelbaum discloses a method of formatting an electronic document, comprising: receiving characters for placement in an electronic document (Fig. 6; col. 2, line 25-col. 3, line 8; col. 3, line 30-53; col. 5, line 47-col. 7, line 52; col. 12, line 1-22; and col. 13, lines 51-65); analyzing the received characters to determine if any of the characters form a telephone number (Fig. 6; col. 2, line 25-col. 3, line 8; col. 3, line 30-53; col. 5, line 47-col. 7, line 52; col. 12, line 1-22; and col. 13, lines 51-65); identifying a location of the characters determined to form a telephone number in the electronic document (Fig. 6; col. 2, line 25-col. 3, line 8; col. 3, line 30-53; col. 5, line 47-col. 7, line 52; col. 12, line 1-22; and col. 13, lines 51-65); and associating data, including a telephone number, with a location of the characters determined to comprise a telephone number (Fig. 6; col. 2, line 25-col. 3, line 8; col. 3, line 30-53; col. 5, line 47-col. 7, line 52; col. 12, line 1-22; and col. 13, lines 51-65).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3, 6, 9, 12, 14-24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dekelbaum et al (USPN 5,838,682) in view of Wiener et al (USPN 6,324,264).

11. Regarding claims 3 and 9, referring to claims 1 and 7, Dekelbaum does not expressly disclose that the call is connected across a packet-switched network. Wiener teaches, in a system for establishing a communications call, that the call is connected across a packet-switched network (col. 9, line 63-col. 10, line 15) where Examiner takes official notice that it is well known to connect calls across packet-switched networks due to lower transport costs on a packet-switched network. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the call be connected across a packet-switched network in order to allow the user to benefit from lower costs.

12. Regarding claims 6 and 12, referring to claims 1 and 7, Dekelbaum does not expressly disclose receiving, prior to signaling, the calling party telephone number and storing the calling party telephone number. Wiener teaches, in a system for establishing a communications call, receiving, prior to signaling, the calling party telephone number; and storing the calling party telephone number in order to correctly charge the user (Fig. 6; col. 3, line 52-col. 4, line 10; and col. 5, lines 13-38). It would have been obvious to one of ordinary skill in the art at the time of

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the invention to receive, prior to signaling, the calling party telephone number and to store the calling party telephone number in order to correctly charge the user.

13. Regarding claims 14, 17, 20, 21, 23, and 24, Dekelbaum discloses a method of and system for making a telephone call using an electronic document, comprising the steps of and means for: receiving, at a computer, an electronic document that includes data representing a telephone number (col. 2, lines 25-59; col. 5, line 47-col. 7, line 52; col. 12, line 1-col. 13, line 24; and col. 13, line 51-col. 14, line 11); selecting a telephone number from the electronic document (col. 2, lines 25-59; col. 5, line 47-col. 7, line 52; col. 12, line 1-col. 13, line 24; and col. 13, line 51-col. 14, line 11); and connecting, if the computer does not include a packetized telephone, a circuit switched call between the first telephone and a second telephone associated with a calling party (col. 2, lines 25-59; col. 5, line 47-col. 7, line 52; col. 12, line 1-col. 13, line 24; and col. 13, line 51-col. 14, line 11). Dekelbaum does not disclose determining whether packetized telephone capabilities are present and connecting, if the computer includes a packetized telephone, a packet-switched call to a first telephone associated with the telephone number. Wiener teaches, in a system for establishing a communications call, that the call can be connected across a packet-switched network or a circuit-switched network (col. 9, line 63-col. 10, line 15) where Examiner takes official notice that it is well known to connect calls across packet-switched networks due to the lower transport costs on packet-switched networks. It would have been obvious to one of ordinary skill in the art at the time of the invention to determine whether packetized telephone capabilities are present in order to determine if a user can benefit from the lower costs of packet-switched network and to connect, if the computer includes a packetized telephone, a packet-switched call to a first telephone associated with the telephone

number in order to allow the user to benefit from lower costs by connecting across a packet-switched network.

14. Regarding claims 15, 18, and 22, referring to claims 14, 17, and 21, Dekelbaum in view of Wiener discloses that the selecting includes: selecting the telephone number from the electronic document via a mouse (Dekelbaum: col. 2, lines 25-59; col. 5, line 47-col. 7, line 52; and col. 12, line 1-col. 13, line 24 and Wiener: col. 3, lines 22-64).

15. Regarding claims 16 and 19, referring to claims 14 and 17, Dekelbaum in view of Wiener discloses that the electronic document comprises at least one of an e-mail, a word processing file and a web page (Dekelbaum: col. 2, lines 25-59; col. 5, line 47-col. 7, line 52; and col. 12, line 1-col. 13, line 24 and Wiener: col. 3, lines 22-64).

16. Regarding claim 26, Dekelbaum discloses a system for connecting a call across a circuit-switched network, comprising: a computer configured to: receive a called party telephone number (col. 2, lines 25-59; col. 5, line 47-col. 7, line 52; col. 12, line 1-col. 13, line 24; and col. 13, line 51-col. 14, line 11), and send a packet containing the called party telephone number to a hub device across a packet-switched network (col. 2, lines 25-59; col. 5, line 47-col. 7, line 52; col. 12, line 1-col. 13, line 24; and col. 13, line 51-col. 14, line 11); a hub device configured to: receive the packet, and supply the calling party telephone number to a telecommunications system (col. 2, lines 25-59; col. 5, line 47-col. 7, line 52; col. 12, line 1-col. 13, line 24; and col. 13, line 51-col. 14, line 11); and a telecommunication system configured to: receive the calling party telephone number from the hub device, and set up a circuit-switched connection between telephones associated with the called and calling parties using the received telephone number (col. 2, lines 25-59; col. 5, line 47-col. 7, line 52; col. 12, line 1-col. 13, line 24; and col. 13, line

51-col. 14, line 11). Dekelbaum does not expressly disclose receiving, prior to signaling, the calling party telephone number and using the calling party number to set-up the connection.

Wiener teaches, in a system for establishing a communications call, receiving, prior to signaling, the calling party telephone number and using the calling party number to set-up a connection in order to correctly charge the user (Fig. 6; col. 3, line 52-col. 4, line 10; and col. 5, lines 13-38). It would have been obvious to one of ordinary skill in the art at the time of the invention to receive, prior to signaling, the calling party telephone number and to use the calling party telephone number to set-up the connection in order to correctly charge the user.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Narain et al (USPN 6,535,506) see entire document which pertains to establishing communications based on hypertext calling received from a packet network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (703)305-6970. The examiner can normally be reached on Mon.-Fri. 7:00-5:00 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703)308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703)308-6743.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Daniel J. Ryman
Examiner
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DJR

Daniel J. Ryman

A handwritten signature in black ink, appearing to read 'Huy D. Vu', with a long horizontal flourish extending to the right.

HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600